IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE G. BIKSHAPATHY
and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 10693 of 1998

Between:

1 J.Arthur S/o.Jacob+
R/o.H.No.15-306 Jhandamanu Veedhi
Kalahasthi Road Renigunta,Chittoor Dist.
2 P.V.Gangadharan S/o.M.N.Govindan Nair
V.R.R.S.C.Railway Renigunta,Chittoor Dist.

..... PETITIONERS

AND

1 Union of India Rep.by its General Manager
South Central Railway Rail Nilayam
Secunderabad & Others.

2 Chief Commercial Superintendent Catering South Central Railway
Rail Nilayam Secunderabad.

3.Senior Divisional personnel Oficer,South Central Railway.Guntakal Division,,Guntakal,Chjittor District.

4.Senior Divisional Commercial Superintendent,South Central Railway,Guntakal Division,Guntakal,Chittoor Dt.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to To issue an appropriate writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the judgement dt.30-4-1997 of the Central Admn Tribunal, Hyderabad bench in O.A.No.601/1994 as suffering from errors apparent on the face

of the record and consequently direct the respondents to regularise the services of the petitioners as Commission Bearers in South Central Railway and pass such other order or orders.

Counsel for the Petitioner:MR.P.SRI RAGHU RAM

Counsel for the Respondent s.: MR.R.S.MURTHY

The Court Made the Following :

ORDER (per Hon'ble Sri G.Bikshapanty,J.)

This Writ Petition is filed assailing the orders passed by the Central Administrative Tribunal, in Original Application No.601 of 1994 dated 10-04-1997.

2. The petitioners filed the aforesaid Original Application. Out of seven petitioners, only two are before this Court. The petitioners are the commission bearers in Guntakal division of South Central Railway. Their grievance is that the fifth respondent by name, Veera Sekhar who was also commission vendor like the petitioners was regularized and the services of the petitioners were not regularized and therefore, they sought appropriate direction for regularisation of services.

3. In the counter filed by the Railways, it is stated that none of the commission bearers were regularized in service, but however, the said Veera Sekhar who belong to S.T.category was selected as a regular cleaner in the canteen department under S.T. quota and therefore, the question of petitioners regularization does not arise. Under those circumstances, the Tribunal dismissed the Original application filed by the petitioners. Against the said order,

the present Writ Petition has been filed.

4. The learned counsel for the petitioners submits that the canteen division has now abolished and therefore, the case of the petitioners may be considered for regularization of services as regular cleaners in the canteen department.

5. We are afraid we cannot accept the contention of the learned counsel for the petitioners. The petitioners are not entitled for regularisation. Therefore, the question of considering them as catering cleaners does not arise. The reference made as to the regularization of Veera Sekhar was misconceived in as much as he was appointed in S.T. quota in a regular selection process. Thus, we do not find any ground to interfere with the orders passed by the Tribunal.

6. Accordingly, the Writ Petition is dismissed. No costs.

Dated:23-06-2004
Hsd/KA ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICEER

Dated:23-06-2004
Hsd/Ka

One fair copy to the Hon'ble Sri Justice G.Bikshapahy (for his Lordship's kind perusal)

To

1 The General Manager Union of India
South Central Railway Rail Nilayam
Secunderabad & Others.

2 Chief Commercial Superintendent Catering South Central Railway
Rail Nilayam Secunderabad.

3.Senior Divisional personnel Oficer,South Central Railway.Guntakal Division,,Guntakal,Chjittor District.

4.Senior Divisional Commercial Superintendent,South Central Railway,Guntakal Division,Guntakal,Chittoor Dt.

5.2 spare copies.